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CORRESPONDENCE.

GARNISHMENT OF DEPOSITS IN NATIONAL BANKS.

Editor Virginia Law Register :

I have read with much interest Mr. George Bryan's article in the September VIRGINIA LAW REGISTER (p. 327), entitled "*Attachments against National Banks.*" There is one phase of the question not touched upon by Mr. Bryan, upon which the U. S. Supreme Court has expressly passed.

In *Earle v. Pennsylvania*, 178 U. S. 450, it was held that an attachment against a national bank *as garnishee* is not an attachment against the bank or its property, nor a suit against it, within the meaning of U. S. Rev. Stat., sec. 5242. Mr. Justice Harlan saying, "Whatever may be the scope of sec. 5242, an attachment sued out against the bank *as garnishee* is not an attachment against the bank or its property, nor a suit against it, within the meaning of that section. It is an attachment to reach the property or interests held by the bank for others."

JAMES H. CORBITT.

Suffolk, Va.

A CORRECTION.

(*Fidelity & Casualty Co. v. Hubbard*, 8 Va. Law Reg. 406).

Editor Virginia Law Register :

In the October number of the VIRGINIA LAW REGISTER is published the opinion of Judge H. C. McDowell in the case of *The Fidelity & Casualty Co. ad. R. M. Hubbard*. This opinion is a very able one, and I find no reason to dissent from its conclusions.

There is, however, in it a statement of fact, which in your note you seem to think of some importance, which needs correction. The opinion states: "In the case at bar, the writ was duly executed and returned to the first June rules and at that time the declaration was filed. *The defendant did then enter an appearance.*" The latter sentence is incorrect. The fact is, and the record, both in the corporation court and in the District Court of the United States, distinctly shows, that the declaration was filed at the first June rules, and the defendant not having appeared, the common order was entered; and again at the second June rules, that the defendant still failed to appear, and the common order was confirmed. The defendant did not appear in the suit in any way whatever until the first day of the July term of the court, to-wit, the 7th day of July, 1902, and not the 7th day of June, as printed in the opinion, and on that day appeared for the first time to file its petition for removal.

I do not personally think that these errors affect materially the conclusions of the court, and indeed the opinion itself will show upon careful reading the error as to appearance, as it states "At first June rules the declaration was filed and the common order was entered, and at second June rules the common order was confirmed, and writ of inquiry ordered as the company had failed to appear."